

William C. McNeill, III, (SBN 64392)
Marsha J. Chien, (SBN 275238)
**THE LEGAL AID SOCIETY-
EMPLOYMENT LAW CENTER**
180 Montgomery Street, Suite 600
San Francisco, CA 94104
Telephone: (415) 864-8848
Facsimile: (415) 593-0096
Email: wmcneill@las-elc.org
Email: mchien@las-elc.org

Matthew C. Kane (SBN 171829)
Michael D. Mandel (SBN 216934)
Regina A. Musolino (SBN 198872)
Sean M. Sullivan (SBN 286368)

MCGUIREWOODS LLP
1800 Century Park East, 8th Floor
Los Angeles, CA 90067-1501
Telephone: (310) 315-8200
Facsimile: (310) 315-8210
Email: mkane@mcguirewoods.com
Email: mmandel@mcguirewoods.com
Email: rmusolino@mcguirewoods.com
Email: ssullivan@mcguirewoods.com

**Attorneys for Defendant BANK OF
AMERICA CORPORATION**

James M. Finberg (SBN 114850)
Eve H. Cervantez (SBN 164709)
Connie K. Chan (SBN 284230)
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064
Email: jfinberg@altber.com
Email: ecervantez@altber.com
Email: cchan@altber.com

Attorneys for Plaintiff JANE DOE, on behalf
of herself and other similarly situated.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, individually and on behalf of all others similarly situated,

) Case No. 3:14-CV-01613 THE
)
) **STIPULATION AND [PROPOSED]**
) **ORDER ENLARGING BRIEFING**
) **SCHEDULE AND CONTINUING**
) **HEARING ON DEFENDANT'S MOTION**
) **TO DISMISS PURSUANT TO FED. R.**
) **CIV. P. 12(B)(7); DECLARATION OF**
) **CONNIE K. CHAN IN SUPPORT**
) **THEREOF**
) Civ. L.R. 6-2 and 7-12
)
) Date: n/a
) Time: n/a
) Courtroom: 12
) Judge: Thelton E. Henderson
)

1 Plaintiff Jane Doe (“Plaintiff”) and Defendant Bank of America Corporation (“Defendant”),
2 herein referred to collectively as the “Parties,” by and through their respective attorneys of record,
3 hereby stipulate pursuant to Civil Local Rules 6-2 and 7-12 as follows:

4 WHEREAS, on June 22, 2015, Defendant filed a Motion to Dismiss Plaintiff’s Complaint
5 Pursuant to F.R.C.P. 12(b)(7), noticed for hearing on July 27, 2015;

6 WHEREAS, under Civil Local Rule 7-3, Plaintiff’s opposition to Defendant’s motion to dismiss
7 is due July 6, 2015, and Defendant’s reply is due July 13, 2015;

8 WHEREAS, as set forth in the supporting Declaration of Connie K. Chan, Plaintiff is unable to
9 prepare her opposition by July 6, 2015 due to Plaintiff’s counsel’s prior conflicting work and travel
10 commitments; and

11 WHEREAS, the Parties do not anticipate that enlarging the briefing schedule and continuing the
12 hearing on Defendant’s motion to dismiss will affect any other case scheduling deadlines currently set;

13 HENCE, pursuant to Civil Local Rule 6-2, the Parties have conferred and hereby stipulate to the
14 following amended briefing and hearing schedule, subject to the Court’s approval:

- 16 1. Plaintiff’s opposition to Defendant’s Motion to Dismiss Pursuant to FRCP 12(b)(7) shall be
17 due July 21, 2015;
- 18 2. Defendant’s reply shall be due August 10, 2015;
- 19 3. A hearing on Defendant’s motion shall be set for August 24, 2015 at 10:00 a.m., or as soon
20 thereafter as the Court is available.

21 DATED: July 2, 2015

By: /s/ Connie K. Chan

22 **The LEGAL AID SOCIETY-EMPLOYMENT
LAW CENTER**
23 William C. McNeill, III
24 Marsha J. Chien
25 180 Montgomery Street, Suite 600
26 San Francisco, CA 94104
27 Telephone: (415) 864 8848
Facsimile: (415) 593-0096
wmcneill@las-elc.org
mchien@las-elc.org

1 **ALTSCHULER BERZON LLP**
2 James M. Finberg
3 Eve H. Cervantez
4 Connie K. Chan
5 177 Post Street, Suite 300
6 San Francisco, CA 94108
7 Telephone: (415) 421-7151
8 Facsimile: (415) 362-8064
9 jfinberg@altber.com
ecervantez@altber.com
cchan@altber.com

10 Attorneys for Plaintiff Jane Doe, on behalf of
11 herself and others similarly situated

12 DATED: July 2, 2015

13 By: /s/ Regina A. Musolino

14 **MCGUIRE WOODS LLP**
15 Matthew C. Kane
16 Michael D. Mandel
17 Regina A. Musolino
18 Sean M. Sullivan
19 1800 Century Park East, 8th Floor
20 Los Angeles, CA 90067-1501
21 Telephone: (310) 315-8200
22 Facsimile: (310) 315-8210
23 mkane@mcguirewoods.com
mmandel@mcguirewoods.com
rmusolino@mcguirewoods.com
ssullivan@mcguirewoods.com

24 Attorneys for Defendant Bank of America
25 Corporation

1 **DECLARATION OF CONNIE K. CHAN IN SUPPORT OF STIPULATION TO MODIFY**
2 **BRIEFING AND HEARING SCHEDULE**

3 I, Connie K. Chan, declare as follows:

4 1. I am a member in good standing of the bar of the State of California and am one of the
5 counsel of record for Plaintiff in the above-captioned case. I make this declaration in support of the
6 parties' stipulated request to extend the briefing and hearing schedule on Defendant's pending motion to
7 dismiss pursuant to FRCP 12(b)(7). The facts set forth in this declaration I know to be true of my own
8 personal knowledge, except as those matters which are alleged on information and belief, and as to those
9 matters I believe them to be true. I could and would competently testify as to all such matters, if called
10 upon to do so.

11 2. Following an initial case management conference held on August 25, 2014, the Court
12 issued a case scheduling order setting, among other dates, a fact discovery cutoff of February 1, 2016, a
13 February 22, 2016 deadline to file dispositive motions, and a May 17, 2016 trial date.

14 3. On February 17, 2015, pursuant to the parties' stipulation made in light of ongoing
15 mediation efforts, the Court issued an order extending the deadline for Plaintiff to file a motion for class
16 certification from August 3, 2015 to September 18, 2015.

17 4. There have been no other previous time modifications in this case.

18 5. Under Civil Local Rule 7-3, Plaintiff's opposition to Defendant's Motion to Dismiss
19 Plaintiff's Complaint Pursuant to F.R.C.P. 12(b)(7), filed June 22, 2015, is due July 6, 2015.

20 6. Plaintiff's counsel Jim Finberg has been out of the country with very limited e-mail
21 access since before Defendant's motion to dismiss was filed, and will not return to the office until July
22 6, 2015.

23 7. Plaintiff's counsel Marsha Chien is currently out of town for her wedding and
24 honeymoon and will not return to the office until July 13, 2015.

25 8. I was out of the office on a previously scheduled trip June 26, 2015 and will be out of
26 town for a previously scheduled trip from July 2, 2015 through July 6, 2015.

9. Plaintiff's counsel Eve Cervantez will be out of town for a previously scheduled vacation from July 6, 2015 through July 10, 2015.

10. Due to Plaintiff's counsel's various previously scheduled commitments, including other prior work obligations, Plaintiff is unable to file her opposition by July 6, 2015. Accordingly, Plaintiff's counsel approached Defendant's counsel about stipulating to extend Plaintiff's time to respond to Defendant's motion to dismiss, to which Defendant's counsel agreed.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed at San Francisco, California, on July 2, 2015.

by: /s/ Connie K. Chan
Connie K. Chan

1 **PROPOSED ORDER**

2 Pursuant to the Parties' stipulation and for good cause shown, the Court hereby orders as
3 follows:

4 Plaintiff's opposition to Defendant's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(7) [Dkt. 55]
5 is due July 21, 2015;

6 Defendant's reply is due August 10, 2015; and

7 A hearing on Defendant's motion is continued from July 27, 2015 to August 24, 2015 at 10:00
8 a.m.

9 IT IS SO ORDERED.

10 Dated: **07/02/15**

